

App. No. 10/608,312
Notice of Allowance dated December 13, 2006
Amendment After Allowance date December 26, 2006

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REMARKS

1. Amendment After Allowance

Section 1.312 states that "[n]o amendment may be made as a matter of right in an application after the mailing of the notice of allowance. Any amendment filed pursuant to this section must be filed before the payment of the issue fee, and maybe entered on the recommendation of the primary examiner...." MPEP §714.02 requires that an applicant seeking to enter an amendment after allowance show 1) why the amendment is needed; 2) why the proposed amended or new claims require no additional search or examination; 3) why the claims are patentable; and 4) why they were not presented earlier.

The present amendment seeks to introduce new dependent claims 23 through 34. The present amendment is needed so that the public is put on notice of the extent of the claim coverage to which applicant is entitled in the instant patent application and any patent issuing therefrom. Considering that the claims which applicant seeks to enter are dependent form, it is submitted that no new examination or search is required, because dependent claims include all of the features from the independent claims from which they depend. Considering that all independent claims in the patent application have been considered allowable over the prior art, it stands to reason that the newly entered claims are each also allowable over the prior art. The dependent claims were not earlier provided, because applicant desired to move the application to allowance expeditiously. Applicant attempted to reach the examiner at a pre-appointed time before allowance of the patent application in order to describe the dependent claims that applicant desired to have entered. However, applicant's representatives and the examiner in charge of the present patent application were unable to reach one another in a timely fashion. This resulted in the filing of an amendment after final rejection canceling all non-allowed claims so that the application can move forward and applicant receive the notice of allowance at the earliest possible convenience of the United States Patent and Trademark Office. Considering that the present amendment after allowance is being filed before payment of the issue fee. It is respectfully requested that these amendments be entered.

It is desired that the application issue in due course. If the Examiner has any questions concerning the present response, the Examiner is kindly requested to

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contact the undersigned at (408) 774-6910. If any fees are due in connection with filing this response, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No ADAPP230).

Respectfully submitted,
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